

UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TEXAS

Request for Modifying the Conditions or Term of Supervision with Consent of the Offender

(Probation Form 49, Waiver of Hearing is Attached)

FILED
2014 AUG -8 AM 11:43
CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY

Name of Offender: Jimmy Lucio

Case Number: A-07-CR-031(11)LY

Name of Sentencing Judicial Officer: United States District Judge Lee Yeakel

Date of Original Sentence: November 16, 2007

Original Offense: Conspiracy to Possess with Intent to Distribute Heroin, in violation of 21 U.S.C §§ 841(a)(1) and (b)(1)(C) and 846

Original Sentence: 120 months incarceration, followed by 3 years supervised release with the following special conditions: evaluations for substance abuse and follow all recommendations, alcohol abstinence, and \$100 Special Assessment

Type of Supervision: Supervised Release Date Supervision Commences: December 28, 2014

PREVIOUS COURT ACTION

None

PETITIONING THE COURT

- ☐ To extend the term of supervision ____ years, for a total of ____ years.
☒ To modify the conditions of supervision as follows:

The defendant shall submit his or her person, property, house, residence, office, vehicle, papers, computers as defined in 18 U.S.C. Section 1030(e)(1), and other electronic communications or data storage devices or media to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. The defendant shall warn any occupant at the premises that the premises may be subject to searches pursuant to this condition. Any search must be conducted at a reasonable time and in a reasonable manner. The United States probation officer may conduct a search when a reasonable suspicion exists that the defendant may have violated a condition of supervision or if there is a violation of law.

CAUSE

While conducting the pre-release investigation, this officer determined Jimmy Lucio's common-law wife, Juanita Zapata, and their son's Jonathan and Jason Lucio, have each been arrested on more than one occasion. Zapata's history includes a Distribution of Heroin conviction, in which she was arrested with the defendant. Jason Lucio history includes multiple controlled substance convictions.

Jimmy Lucio
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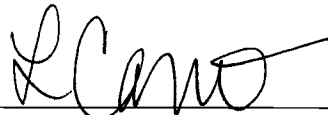
The defendant and Zapata were separated at the time of his instant offense. At this time, they are reconciling and the defendant has requested that he be allowed to reside with his family. Due to the family's criminal history, specifically their history of narcotics related offenses, it is recommended the defendant be subject to the Search and Seizure condition. The defendant has agreed to the modification as evidenced by his signature on the Probation Form 49. Additionally, Zapata has been made aware of this condition and has indicated she still wants the defendant to reside in her home.

Approved:



James R. Golden, Jr.
Supervising U.S. Probation Officer
Telephone: (512) 916-5761, Ext: 8731

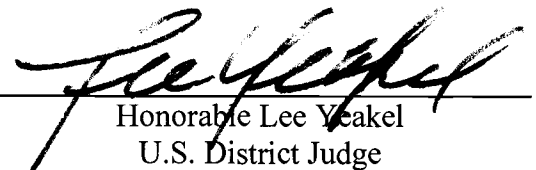
Respectfully submitted,



Linda Cano
U.S. Probation Officer
Telephone: (512) 916-5761, Ext. 8737
August 6, 2014

THE COURT ORDERS:

- ☐ None.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above.
- ☐ Other _____



Honorable Lee Yeakel
U.S. District Judge

August 8, 2014
Date

PROB 49
(3/89)

**United States District Court
Western District of Texas**


**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

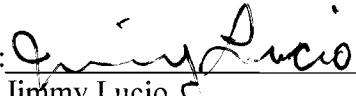
I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision.

The defendant shall submit his or her person, property, house, residence, office, vehicle, papers, computers as defined in 18 U.S.C. Section 1030(e)(1), and other electronic communications or data storage devices or media to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. The defendant shall warn any occupant at the premises that the premises may be subject to searches pursuant to this condition. Any search must be conducted at a reasonable time and in a reasonable manner. The United States probation officer may conduct a search when a reasonable suspicion exists that the defendant may have violated a condition of supervision or if there is a violation of law.

Witness:


Linda Cano, USPO

Signed:


Jimmy Lucio, C
Supervised Releasee


Date